

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

x

TIMOTHY MORGAN, Individually and On Behalf of)
All Others Similarly Situated,)
Plaintiff,) Civil Docket for Case No.:
) 1:03-CV-12529-JLT
)
v.)
)
NETWORK ENGINES, INC., JOHN CURTIS,) Hon. Joseph L. Tauro
DOUGLAS G. BRYANT and LAWRENCE A.)
GENOVESI,)
Defendants.)

(Additional captions on following page)

MOTION OF THE O'NEIL GROUP FOR APPOINTMENT
AS LEAD PLAINTIFF AND APPROVAL OF PROPOSED LEAD PLAINTIFF'S
SELECTION OF LEAD COUNSEL

GORDON A. PRICE, On Behalf of Himself and	x
All Others Similarly Situated,)
Plaintiff,) Civil Docket for Case No.:
v.) 1:04-CV-10008-MLW
NETWORK ENGINES, INC., JOHN CURTIS,)
DOUGLAS G. BRYANT and LAWRENCE A.)
GENOVESI,) Hon. Mark L. Wolf
Defendants.)

EDWIN POWELL MILLER, Individually and On Behalf	x
of All Others Similarly Situated,)
Plaintiff,) Civil Docket for Case No.:
v.) 1:04-CV-10022-JLT
NETWORK ENGINES, INC., JOHN CURTIS,)
DOUGLAS G. BRYANT and LAWRENCE A.)
GENOVESI,) Hon. Joseph L. Tauro
Defendants.)

DAVID DUBROW, Individually and On Behalf of	x
All Others Similarly Situated,)
Plaintiff,) Civil Docket for Case No.:
v.) 1:04-CV-10096-JLT
NETWORK ENGINES, INC., JOHN CURTIS,)
DOUGLAS G. BRYANT and LAWRENCE A.)
GENOVESI,) Hon. Joseph L. Tauro
Defendants.)

KEVIN DENHA, Individually and On Behalf of)
All Others Similarly Situated,)
Plaintiff,) Civil Docket for Case No.:
v.) 1:04-CV-10228-JLT
Defendants.)

WING KAM YU, On Behalf of Himself and)
All Others Similarly Situated,)
Plaintiff,) Civil Docket for Case No.:
v.) 1:04-CV-10238-DPW
Defendants.)

x

NETWORK ENGINES, INC., JOHN CURTIS,
DOUGLAS G. BRYANT and LAWRENCE A.
GENOVESI,

) Hon. Douglas P. Woodlock

Defendants.

The O'Neil Group ("Movant" or "O'Neil Group"), as defined in the accompanying Memorandum of Law, respectfully moves this Honorable Court to issue an order pursuant to Section 27 of the Securities Act of 1933, 15 U.S.C. § 77z-1; Section 21D(a)(3) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3), and Rule 42 of the Federal Rules of Civil Procedure: (i) consolidating the above-captioned related actions, (ii) appointing Movant as Lead Plaintiff in the consolidated action, and (iii) approving Movant's selection of Goodkind Labaton Rudoff & Sucharow LLP as Lead Counsel for the class.

The grounds for this motion are stated in the Memorandum of Law in Support of this Motion and the Declaration of Christopher Keller and accompanying exhibits submitted herewith.

Dated: February 17, 2004

Respectfully submitted,

SHAPIRO HABER & URMY LLP

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*Attorneys for the O'Neil Group
And Proposed Lead Counsel for the Class*